

CARL E. JENKINS
BAYARD D. REA

IBLA 74-70

Decided January 30, 1974

Appeal from decision of Wyoming State Office, Bureau of Land Management, rejecting their drawing entry card (oil and gas lease offer), W 40509.

Vacated and remanded.

Oil and Gas Leases: Applications: Generally

It is improper to reject a drawing entry card oil and gas lease offer signed by two applicants for the reason that each did not include his Social Security number where the applicants did include their Taxpayer number and where the card called for either a Social Security number or a Taxpayer number.

APPEARANCES: William T. Schwartz, Esq., Casper, Wyoming, for appellants.

OPINION BY MR. HENRIQUES

Carl E. Jenkins and Bayard D. Rea have appealed from a decision by the Wyoming State Office, Bureau of Land Management, dated July 18, 1973, rejecting their drawing entry card (oil and gas lease offer) W 40509 for the reason that two applicants had signed the card but only one Social Security number was given. The drawing entry card had been drawn first for Parcel No. 206 in the May 1973 list of lands available for simultaneous oil and gas filings.

Appellants state that they have been filing joint offers for oil and gas leases on federal lands for many years. On leases issued in both names they have been construed to be tenants in common under Wyoming law, in which jurisdiction they each

reside. For income tax purposes they were assigned Taxpayer Number 83 020 7531 by the Internal Revenue Service. This is the number that they included on the drawing entry card in issue. Documentary proof of their assertion accompanied the appeal.

The drawing entry card (Form 3112-1 Dec. 1972) became the exclusive card for use in oil and gas simultaneous filings beginning with May 1973. Neither the regulations nor the instructions on the card make any reference to the space provided for the Social Security or Taxpayer Number. The requirement for such a number is an innovation not included on earlier editions of the drawing entry card (Form 3120-21). It was included on the present cards to assist BLM in identifying possible duplicate filings in the simultaneous procedures.

Appellants completed the drawing entry card in issue by inserting their duly assigned Taxpayer Number in the space provided and as required. It was error for the State Office to reject the card signed by the two applicants as tenants in common for the reason that each did not include his Social Security Number where the applicants did include their Taxpayer Number assigned by the Internal Revenue Service. This number satisfied the requirement of the card, and there is no requirement relating to this identification number in any regulation governing oil and gas leases.

Therefore, under authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is vacated, and the case remanded to the State Office for further appropriate consideration.

Douglas E. Henriques, Member

We concur:

Edward W. Stuebing, Member

Frederick Fishman, Member

